

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars.

1. Interview of July 14, 2009

The applicant is appreciative of the opportunity to discuss the pending application with the examiner during the interview conducted on July 14, 2009.

During the interview, the subject matter of the objections to the specification, claims, and drawings, and corrections thereto were discussed.

Similarly, the rejections of the claims under 35 U.S.C. § 112, second and sixth paragraphs, and corrections thereto were also discussed.

Further, the rejections of the claims under 35 U.S.C. § 103(a) were discussed, in particular U.S. patent no. 3,797,194 (*Ekstein*) and WO publication 2005/033459 (*Brochez*). The applicant further pointed out that the *Brochez* publication has a publication date subsequent to the filing date of the pending application, and therefore cannot be considered a prior art document under 35 U.S.C. § 103(a).

The examiner indicated that in view of the use of the *Brochez* publication in the final rejection, the finality of the rejection will be withdrawn if another reference is used in place of the *Brochez* publication to reject the claims.

Additionally, proposed amendments to the claims, including amending claim 85 to include the features of claim 94 were discussed, which amendments requiring the resilient member to be in contact with the inner wall overcome the teachings of the *Ekstein* patent.

Although the proposed amendments were tentatively agreed to during the interview, upon a further review of the claims, the applicant would like to revise the amendments to claim 85 as discussed below.

In particular, the applicant has amended claim 85 to reintroduce the concept of compressing the material via the language of “the material of the lips being compressed from a first length to a second length, which is shorter than the first length.” Support for this feature can be found in the substitute specification filed on January 21, 2003 on page 6, lines 8-11. This particular feature allows the creation of the pressure force in the inclined parts, which further leads to a tensile force in the resilient members.

Further, a review of the proposed amendments to claim 85 revealed that the proposed amendments could introduce confusion as to how the claimed corner joint functions.

Accordingly, claim 85 has been reworded to recite “wherein the inclined parts create tensile forces in the resilient members, since the pressure in the inclined parts results in a tension in the resilient members; the tensile forces in the resilient members resulting in pressure forces in the outer and inner walls.”

A review of the corner joint according to the present invention reveals that the recited lips are pressed-in and compressed along their length due to the specific dimensions of the triangular notch in the corner piece, and due to the fact that the corner piece cannot move inwards in the frame side members. If the inclined parts were not connected to the resilient members, which form an angle, and were instead free to move, the inclined parts would just move somewhat in the frame side members, and no compression of the lips would occur.

So, the compression of the lips occurs since the inclined parts are supplying the required reaction force by being connected to the resilient members, which act on the inner and outer walls of the frame side members by virtue of their angled connection to each other.

By pressing in the lips, the inclined parts tend to pull the resilient members further into the attachment channels. However, this pulling is resisted by the

connection of the resilient members to each other at an angle, and since the resilient members cannot enter the frame side members any further beyond the initial maximum insertion.

Thus, when a lip is pressed in, the frame side members move towards one another until there is contact at the ends thereof, and thus, pressure is created in both the inner and outer walls of the frame side members.

By being pulled within the frame side members, the resilient members create a pressure force between the frame side members, which provides the strength for the corner joint.

At the same time, there is a tensile force created in the resilient members which provides the reaction force to the pressure force created in the inclined parts.

Thus, the this is the manner in which the “inclined parts create tensile forces in the resilient members, since the pressure in the inclined parts results in a tension in the resilient members; the tensile forces in the resilient members resulting in pressure forces in the outer and inner walls,” as is recited in reworded claim 85.

2. In the specification

A. Amendments to the specification

The specification is amended, as shown in the foregoing AMENDMENT TO THE SPECIFICATION, to eliminate hyphens between reference numerals and to make additional minor corrections. It is respectfully submitted that no new matter is added, as the changes simply correct minor informalities.

Entry of the AMENDMENT TO THE SPECIFICATION is respectfully requested in the next Office communication.

B. Objections to the specification

Reconsideration and removal of the objections to the specification are respectfully requested, in view of the amendments discussed above, on the basis that the minor informalities noted in the Office action have been corrected.

Accordingly, removal of the objections to the specification is respectfully requested.

3. In the drawings

A. Amendments to the drawings

Figure 1 is amended in the REPLACEMENT SHEET of page 1 of the drawings to include arrowheads on the lead lines of reference numeral 26.

Figure 2 is amended in the REPLACEMENT SHEET of page 2 of the drawings to include arrowheads on the lead lines of reference numerals 26 and 40, and to remove the arrowheads on the lead lines of reference numeral 34.

It is respectfully submitted that no new subject matter is introduced, since only identification of already illustrated features is provided by way of the amendment.

Acceptance of the REPLACEMENT SHEETS is respectfully requested in the next Office communication.

B. Objections to the drawings

Reconsideration and removal objections to the drawings is respectfully requested, in view of the amendments to the drawings, on the basis that the reference numeral 40 identifies the resilient members, which form a portion (second leg 27, and extension 28) of the respective insert parts 5, 6.

Accordingly, removal of the objections to the drawings is respectfully requested.

4. In the claims

As shown in the foregoing LIST OF CURRENT CLAIMS, the claims have been amended to more clearly point out the subject matter for which protection is sought.

A. Claim amendments

The claims are amended as indicated above to correct minor informalities and to merge the subject matter of previously presented claims. It is respectfully submitted that no new matter is added, since the changes merely correct minor informalities and merge the subject matter of previously presented claims.

Entry of the LIST OF CURRENT CLAIMS is respectfully requested in the next Office communication.

B. Claim objections

Reconsideration and removal of the claim objections is respectfully requested, in view of the amendments to the claims, on the basis that the minor informalities noted in the Office action have been corrected.

Accordingly, removal of the claim objections is respectfully requested.

C. Rejection of claims 85-96 under 35 U.S.C. § 112 second paragraph

Reconsideration of this rejection is respectfully requested, in view of the amendments to the claims, on the basis that the amended claims are clear and definite.

Accordingly, withdrawal of this rejection is respectfully requested.

5. Rejection of claims 85, 86, and 95 under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent no. 3,797,194 (*Ekstein*) in view of EP publication no. 0549554A1 (*Ronnlund*) and in view of WO publication no. 91/15314 (*Heggen*)

Reconsideration of this rejection is respectfully requested on the basis that the rejection fails to establish a *prima facie* case of obviousness with respect to amended claim 85, from which claims 86 and 95 depend.

As discussed above, and as agreed during the interview, the addition in amended claim 85 of the features of claim 94 and the recitation of the specifically recited resilient member to be in contact with the inner wall overcome the teachings of the *Ekstein* patent.

In particular, the *Ekstein* patent discloses a wall 77 along the outer wall of the frame member, and not along the inner wall of the frame member, as is required by amended claim 85. Further, since the wall 77 is necessary for the formation of the channels 82, 92, which cooperate with unlabelled lanced portions of the outer wall of the frame member, a person having ordinary in the art at the time the invention was made would not have provided the specific resilient member to be in contact with the inner wall, as is recited in amended claim 85.

Therefore, the proposed combination of the *Ekstein* patent and the *Ronnlund* and *Heggen* publications fails to disclose or suggest every feature of amended claim 85, and a *prima facie* case of obviousness cannot be established with respect to amended claim 85, from which claims 86 and 95 depend.

Accordingly, withdrawal of this rejection is respectfully requested.

6. Rejection of claims 87, 89, 90, and 92 (claims 93 and 94 have been canceled) under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent no. 3,797,194 (*Ekstein*) in view of EP publication no. 0549554A1 (*Ronnlund*) and in view of WO publication no. 91/15314 (*Heggen*) and further in view of WO publication no. 2005/033459 (*Brochez*)

Reconsideration of this rejection is respectfully requested on the basis that the *Brochez* publication is an invalid prior art reference, for the reasons discussed above.

Accordingly, withdrawal of this rejection is respectfully requested.

7. Rejection of claim 91 under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent no. 3,797,194 (*Ekstein*) in view of EP publication no. 0549554A1 (*Ronnlund*) and in view of WO publication no. 91/15314 (*Heggen*) and in view of WO publication no. 2005/033459 (*Brochez*) and further in view of EP publication no. 412,669 (*Rhodes*)

Reconsideration of this rejection is respectfully requested on the basis that the *Brochez* publication is an invalid prior art reference, for the reasons discussed above.

Accordingly, withdrawal of this rejection is respectfully requested.

8. Conclusion

As a result of the amendment to the claims, and further in view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that every pending claim in the present application be allowed and the application be passed to issue.

Please charge any additional fees required or credit any overpayments in connection with this paper to Deposit Account No. 02-0200.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicant's attorney, the examiner is invited to contact the undersigned at the numbers shown below.

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Respectfully submitted,

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